

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, SEPTEMBER 30, 2009 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Jill Arabe, Rami Talleh, Kimberly De Coite (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2009-015 (T-MOBILE WIRELESS COMMUNICATIONS FACILITY)

APPLICANT: Monica Moretta, Sequoia Deployment Services, Inc.
PROPERTY OWNER: Duane Hurtado, Community United Methodist Church of Huntington Beach, 18700 Beach Blvd., Suite 260, Huntington Beach, CA 92648
REQUEST: To permit the construction of a 55 ft. high wireless communications facility designed as a palm tree "monopalm" with 12 panel antennas and one (1) GPS antenna, including associated equipment surrounded by a 7 ft. 6 in. high blockwall. The request includes the relocation of a 5 ft. high block wall trash enclosure.
LOCATION: 6666 Heil Avenue, 92647 (south side of Heil Avenue, east of Edwards Street)
PROJECT PLANNER: Jill Arabe

Jill Arabe, Assistant Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Ms. Arabe stated that staff had received 26 letters and emails and eight (8) phone calls in opposition to the project citing concerns about the health effects, particularly for the children at the onsite preschool, as well as the aesthetics, visibility, and potential negative impacts on residential property values.

Mr. Ramos asked staff if the City Arborist had been consulted regarding Suggested Condition No. 1d. Ms. Arabe indicated that Suggested Condition No. 1d had been recommended by the City Arborist.

Mr. Ramos asked if the materials for the enclosure listed in Suggested Condition No. 1a would match the existing structures onsite. Ms. Arabe confirmed this.

THE PUBLIC HEARING WAS OPENED.

Monica Moretta, applicant, stated that she received the conditions and requested no changes.

Mr. Ramos asked the applicant how they selected this proposed location and asked if they considered placing the wireless communications facility within the existing church bell tower.

Ms. Moretta indicated that T-Mobile evaluated several potential sites, including nearby parks and schools. She indicated that the City and the local school districts were not interested in leasing property for the facility. Ms. Moretta stated that the two remaining options are to place the wireless facilities on the church or the public right-of-way. Ms. Moretta stated that a structural engineer determined that the current bell tower could not support the facility. She noted that the property owners had also indicated that they did not wish to have the equipment at the base of the tower in close proximity to the entrance to the church. Mr. Ramos asked if the equipment could be located in the proposed location if the facility were to be located in the church bell tower. Ms. Moretta stated that the equipment would need to be located as close to the base of the tower as possible.

Mr. Ramos asked if the applicant would object to a flagpole design in the proposed location. Ms. Moretta stated that a flagpole design is feasible but would restrict the total number of antennas to six and would require the height to be increased in order to stack the antennas. Mr. Ramos asked if the requested modifications would force the applicant to relocate to another site and Ms. Moretta stated that it would.

Mr. Ramos stated that he reviewed the letters received from the public and noted that the majority were concerned with the possible health risks associated with the request. He indicated that audience members were welcome to speak regarding health concerns but that, based on federal law, the Zoning Administrator is prohibited from considering health concerns. He stated that his purview is to look at land use related issues, such as traffic, noise, lighting, and similar issues.

Ronald Passmore, 16632 Dale Vista Lane, spoke in opposition to the request, citing concerns about possible decrease in property values. He noted that the T-Mobile website advertises complete coverage in the area. He encouraged T-Mobile to consider a location in a commercial area.

Bill Kettler, 16592 Dale Vista Lane, spoke in opposition to the request citing concerns with the aesthetics of the design. He noted that the preschool would lose significant business due to the proximity of the cell tower. He encouraged the church to look elsewhere for additional revenue. He stated that the cell tower would be a public nuisance and that it was not suitable for a residential neighborhood.

John Anderson, 6651 Mason Drive, spoke in opposition to the request citing concerns that it would be aesthetically unappealing and have a negative effect on property values. He stated that he felt T-Mobile would sublet the antennas. He expressed concern regarding potential noise impacts and possible health issues for the children at the preschool.

Rene Thorn, 6502 Bishop Drive, stated that the T-Mobile website doesn't indicate a lack of coverage in the area. She stated that the project would have a negative effect on more people than it would benefit.

Joe Thompson, Zoning and Government Affairs Manager for T-Mobile, spoke in favor of the request. He noted that he has had a cell site behind his house for 15 years and has not seen a decrease in his property value. He stated that T-Mobile had examined five alternate sites and this site provided the greatest distance from residences. He indicated a willingness to explore other designs. He noted that the website is inaccurate regarding coverage and that there are dropped calls in the area.

Mr. Ramos clarified with Mr. Thompson that the proposed site, being in the middle of a parking lot, has the greatest distance from residences in comparison to other possible sites. Mr. Thompson confirmed this.

Carol Settimo, 16542 Cooper Lane, spoke in opposition to the request, citing concerns with the possible decrease in property values and the possible health effects.

Fred Booth, 16211 Parkside Lane, asked Mr. Ramos to explain the next step in the approval process. Mr. Ramos briefly reviewed the appeal process. Mr. Booth asked if he was allowed to speak about the health concerns and Mr. Ramos indicated that he was but, as previously stated, health concerns cannot be considered when approving the request. Mr. Booth spoke about the possible health concerns of the facility and referenced a passage from a book that raises concerns about the health effects of cellular service.

Diane Anderson, 6651 Mason Drive, spoke in opposition to the request, citing concerns with decrease in property values. She submitted pictures to show where the tower would be placed in relation to her residence. She stated that she did not feel adequate notice was given and she submitted a petition against the request, signed by 231 residents.

Jerry Patterson, representative of Community United Methodist Church of Huntington Beach (CUMC), spoke in favor of the request. He stated that the profits from the placement of the cell site were not essential income to CUMC but that they would assist the church's charity work. He noted that both the residents and T-Mobile have rights that must be respected.

Don McFarland, 6631 Mason Drive, spoke in opposition to the request citing concerns regarding possible impacts to property values. He noted that he previously sold real estate and that anyone purchasing property in the area will be required to be notified about the existence of the cellular tower which will have a negative effect on property values. He also stated that the studies on cellular radiation were conducted on the outdated analog systems.

Lisa Veal, 3716 Montego Drive, stated that her child attends the onsite preschool and is opposed to the request due to health concerns. She stated that the request would be detrimental to the preschool's business. She indicated that she planned on withdrawing her child from the preschool should the cellular tower be installed.

Adam Rodell, 16631 Fountain Lane, spoke in opposition to the request. He stated that he is a real estate agent and indicated that the cellular tower would decrease property values. He requested that the public hearing be continued for six months to allow all concerned parties time to educate themselves on the pros and cons of the proposal. He expressed

disappointment with the community meeting that T-Mobile held. He asked if the Planning Commission had seen the mailer T-mobile had sent out regarding the meeting and felt it to be an honest attempt to communicate with the residents. He asked CUMC to disclose the financial compensation arrangements for the request, including whether the income would be taxable, and asked if T-Mobile was also planning on making charitable contributions to CUMC. He asked that CUMC distribute to residents any information about the project that it is currently distributing to members.

Mr. Ramos asked Mr. Rodell if he felt a flagpole design would be preferable to a monopalm design in regard to the impact on property value. Mr. Rodell indicated that the effect on property values would likely be the same in his opinion but that a flagpole design might be aesthetically preferable.

Mr. Ramos noted that, excluding the industrial park at the north end of the city, most of the cellular tower sites throughout the city are near residential areas. Mr. Ramos noted that the flagpole design would not look like a typical flagpole when viewed up close due to its circumference.

Tammy Crowder, 16391 Redlands Lane, spoke in opposition to the project due to health concerns and decrease in property value. She expressed concern about future antenna increases and about the honesty of the applicant.

Dianne Larson, 16631 Dale Vista Lane, spoke in opposition to the request, citing health concerns and decrease in property value. She distributed a handout to Mr. Ramos and Planning staff. She objected to the validity of Suggested Finding Nos. 1 and 4. She requested that an independent study be completed to determine the coverage in the area.

Duane Hurtado, president of the trustees for CUMC, spoke in favor of the project. He stated that CUMC does not rely on the additional income this project would generate but that the income would be beneficial to their charitable works. He noted that the additional income would be taxable. He stated that he understood the residents' concerns but that CUMC felt this was a benefit to the community.

Mr. Ramos asked for Mr. Hurtado's opinion on replacing the existing bell tower. Mr. Hurtado confirmed that this was an option as well as the flagpole design. Mr. Ramos asked Mr. Hurtado if he would consider a detached bell tower in the current proposed location instead of the monopalm design. Mr. Hurtado stated that they would need to explore potential size of a detached bell tower and whether its location would impact parking.

Nancy Jones, 16611 Dale Vista Lane, spoke in opposition to the project due to the possible reduction in property values and health concerns. She stated that should the tower be approved she would withdraw her daughter from the preschool and would wish to move out of the area.

Marsha Findley, 6631 Atwood, spoke in opposition to the project due to health concerns for the children in the neighborhood. She stated that she did not feel that there was adequate notification for the request.

Blanca Evans, 6641 Mason Drive, spoke in opposition to the request due to health concerns. She stated that she did not receive adequate notice and was disappointed in the T-Mobile

community meeting. She expressed concern for the safety of the children in the neighborhood and at the preschool and stated that the tower would be an eyesore. She stated that she understood that she was not allowed to voice her concerns about the health effects. Mr. Ramos stated that she was allowed to voice her concerns but that he could not consider health concerns in his decision. Ms. Evans stated that the community does not need the cellular tower.

Christine Rodell, 16631 Fountain Lane, stated that she is a realtor and had concerns about the possible decrease in property values. She stated that she did not feel there was a need for the cellular tower. She submitted a letter from her neighbor, Jack Kemp, opposing the project. She stated that the cellular tower should not be placed in a residential neighborhood.

Mr. Ramos stated that most areas of the city have adjacent residential uses. Ms. Rodell stated that the cellular tower should be placed in a commercial district and Mr. Ramos noted that there would likely be residences in those areas as well. Ms. Rodell stated that residents purchasing in a commercial district would be aware of that possibility. Ms. Rodell stated that she believes T-Mobile would collocate antennas on the tower in order to rent to other companies. Mr. Thompson noted that collocation is not a possibility for a monopalm.

Brad Maguin, 6422 Viking Circle, spoke in opposition to the request, citing concerns related to health impacts. He noted that his son attends the nearby preschool and he felt that the project would be extremely detrimental to the preschool.

Jenny Bolton, 16732 Kettler Lane, spoke in opposition to the project and expressed concerns with the projects visual impacts.

Don Hohl, 16451 Redlands Lane, submitted a letter from his neighbor in opposition to the project. Mr. Hohl noted that he was a long time resident and expressed concern about the effect the project would have on the value of his property.

Mr. McFarland suggested that the impact would be less for a commercial neighborhood and suggested a nearby industrial park as an alternate location.

Denise Davis, 16501 Fountain Lane, spoke in opposition to the project and noted that there were 72 cellular towers in a four mile radius.

Ms. Moretta stated that property values are a common concern for neighborhoods with cellular towers but that studies have shown no noticeable impact. She stated that T-Mobile has presented the appropriate coverage information to the City and that T-mobile has received complaints from customers about coverage in the area. She noted that there are cellular towers installed in commercial areas and that those areas are generally preferred due to an expedited approval process. Moreover she explained that the existing coverage gap could not be handled by any of the existing facilities. She noted that cellular facilities were permitted in the public right-of-way but that if this project is relocated to the public right-of-way it will involve increasing the number of towers.

Rene Thorn, 6502 Bishop Drive, asked if the coverage information was done by an independent study. Ms. Moretta stated that this information was provided by T-Mobile. Ms. Thorn stated that there were alternatives to this request and recommended that T-Mobile

pursue those. She asked that independent companies complete the coverage studies. Ms. Moretta stated that T-Mobile is willing to explore stealth designs.

Gerald Bushberg, National Council on Radiation Protection and Measurements, stated that he was retained by T-Mobile and gave a brief presentation on the health effects of cellular radiation. He reviewed the current standards regarding cellular facilities as well as the results of a multitude of studies concerned with chronic low level exposure to radiation. He stated that the majority of the radiation from a cellular tower is directed at the horizon and would not seep down to the nearby residents.

Ms. Larson stated that Mr. Bushberg's report focused primarily on radio frequency radiation and not electromagnetic radiation. Mr. Bushberg indicated that radio frequency is a subset of electromagnetic radiation.

Mr. Passmore stated that the common perceptions, and not the scientific evidence, would affect the property values.

Ms. Rodell noted that the graphics shown at the T-Mobile meeting misrepresented the size of the tower in relation to its surroundings. She expressed concern that Mr. Bushberg's presentation might be similarly misleading.

Mr. Rodell noted that Mr. Bushberg's report stated that the lack of health effects could not be proved. Mr. Bushberg stated that, due to the nature of science, no amount of studies could absolutely disprove the effects of any chemical or biological agent.

Mr. Rodell asked why the current T-Mobile facilities could not expend more energy in order to include the coverage gap or if that would be harmful. Mr. Bushberg briefly reviewed the nature of the radiation involved in cellular communication.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos reiterated that he could not consider health effects and must base his decision on land use implications. He indicated there are minimal impacts related to noise, odor, lighting, or traffic and that his main concern was with the aesthetic of the cellular tower. He stated that the City of Huntington Beach has a history of approving cellular towers in locations near residential areas. He indicated that he would like to explore a screened design, specifically the possibility of a bell tower in the same proposed location. Mr. Thompson indicated that he was willing to explore the possibility but that it would depend on the depth of the water table and the required footing. Mr. Ramos asked staff when the project's mandatory processing time would be up and Ms. Arabe responded that the deadline would be in late October. Mr. Thompson stated that he was willing to agree to an extension on the mandatory processing time and that he could have an answer within one week. Mr. Ramos asked how much time was needed to complete a new design and Mr. Thompson stated that he would need 30 days.


Kelly Cross, T-Mobile project manager, asked Mr. Ramos if there was a specific reason to place the tower in the same proposed location or if they could replace the existing bell tower. Mr. Ramos stated that he was willing to consider both options but that the currently proposed

location was further away from the residences. Mr. Passmore asked if the bell tower design was intended to be stealth and Mr. Thompson briefly described the potential design.

Mr. Ramos stated that he would continue the item to the October 28, 2009, Zoning Administrator meeting without renoticing.

CONDITIONAL USE PERMIT NO. 2009-015 WAS CONTINUED TO THE OCTOBER 28, 2009, MEETING.

THE MEETING WAS ADJOURNED AT 3:35 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, OCTOBER 14, 2009, AT 1:30 PM.



Ricky Ramos
Zoning Administrator

RR:kdc